

GAU 1643

Attorney Docket No. 4800-0015.30

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date:

April 9, 2001

By:

Annexa B Anderson

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Wong et al.
SERIAL NO.: 09/517,597
FILED: March 2, 2000
FOR: BIOSENSOR DEVICE AND METHOD

EXAMINER: Padmanabhan, K.
ART UNIT: 1643

#5-4/14/01
Bray

Declaration of Non-Receipt of Office Action
and Request for Copy of Office Action

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

Attn: Examiner Kartic Padmanabhan

Office P/1641, Building CMI, Room 08-A12

APR 12 2001

TECH CENTER 1600/2900

Dear Sir:

This is in response to a telephone call on April 6, 2001 from Examiner Kartic Padmanabhan to applicant's attorney, Peter J. Dehlinger, of IotaPi Law Group at (650) 324-0880 inquiring about the lack of filing a response to an Office Action issued on September 12, 2000.

According to the Examiner, a request for restriction requirement was mailed in the above-identified application on September 12, 2000. In checking our files and mail log, we were unable to find any evidence of this office action being received by our offices. The facts are set out in the attached Declaration of Jennifer L. Mahoney and Deborah H. Brockmeyer.

In view of these facts, applicant requests that another copy of that Office Action be mailed to the correspondence address, giving ample time to respond accordingly.

Respectfully submitted,

Peter J. Dehlinger
Registration No. 28,006

Date:

04-09-01

Correspondence Address:

Phone: (650) 324-0880

Customer No. 22918

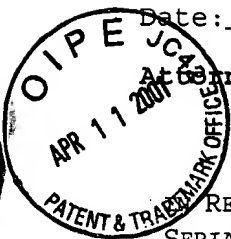
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: April 9, 2001

By: Lynnea B. Anderson

Attorney Docket No. 4800-0015.30

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF: Wong et al.
SERIAL NO.: 09/517,597
FILED: March 2, 2000
FOR: BIOSENSOR DEVICE AND METHOD

EXAMINER: Padmanabhan, K.
ART UNIT: 1643

RECEIVED
APR 12 2001
TECH CENTER 1600/2900

Declaration of Non-Receipt of Office Action

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: Examiner Kartic Padmanabhan
Office P/1641, Building CMI, Room 08-A12

Sear Sirs:

We, Jennifer L. Mahoney and Deborah H. Brockmeyer hereby state that we were employed by Iota Pi Law Group, 350 Cambridge Avenue, Suite 250, Palo Alto, California 94306, and given the task of receiving and logging in all mail received at that location during the period of time when an Office Action dated September 12, 2000 in the above-referenced application was mailed to our offices.

A copy of the mail log during the period of time from September 12, 2000 through October 2, 2000 is enclosed, showing that no Office Action was received by our offices in the above-referenced application during that time.

We hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 9, 2001

By:

Jennifer L. Mahoney

Date: April 9, 2001

By:

Deborah H. Brockmeyer



COPY

Due Sept 12 2000

Voss & P	7010-0001.45	Certificate Patent	9/5
FB Rice & Co	20030001.43	Examiners Report	8/28
ESR K&B			
Agri.tope	4257-0006.40	instructions	9/8
Gowlings	8900-0008.41	reg for instructions	
Voss & P	7357-0009.41	Notif receipt of demand	8/10
FB Rice & Co	0665-0007.43	Examiners Report	8/29
AGritope	4257-0617.30	Documents - Formal	9/11
Web of Science		Package	9/12
QUANAM	7357-0009.41	Signed Pow	9/11
AGritope		invention disclosure	9/12
Rockey, M. Namow	7357-8000	file wrapper	9/11
Rockey, M. Namow	7636-0010.22	Postcard	9/11

Checks		
NYUMed	# 1,239.28	9/8
Chirotech Tech	389.96	9/6
Cortex	143.82	9/7

PTO	8600 0182.31	Office Action	9/5
PTO	7010-0006.30	advisory Action	9/7
PCT	4600-0130.41	Notif of Record of Change	9/1
PCT	5640-0021.41	Notif of receipt of demand	9/6
PCT	5525-0032.41	Written opinion	9/8
PCT	5525-0032.41	"	9/8
PCT	5250-0002.41	Search Report	9/11
Condor	0665-6005	Stipulation of Dismissal	9/6

Postcards

2755-0009.41	4800-6002
4099-0002.30	0450-0027.30
5250-0001.41	
9456-0003.10	



Wed Sept 13 2000

Voss & P	7357-0006.41	reminder	9/7
Gowling	0550-0038.40	cc of letter to PE Biosystems	9/6
Gowling	4800-0015.41	request for instructions	9/1
Voss & P	0450-0017.45	Confirmation Copy	9/1
Lloyd Wise	4600-0183.61	reminder	9/6
Kremblas	0450-8006	Off's State Matters	8/5
Gowling	8900-0201.41	request for instructions	9/7
FB Rice	5640-0020.43	Filed Reg for EXAM	8/29
Voss & P	5600-0301.79	Confirmation Copy	9/7
Challenge	2145-0001.10	Declan & POA	9/9
id: Y Amamoto	9325-0008.42	Confirmation Copy	8/29
ed: U of Ca		Invention Disclosure	7/11

Marvell Tech	60862.00	9/8/00
Chen		
U of Alberta	57.52	9/13/00
Cytovax	3459.32	9/13/00
Chen		
JIANQCHYN	281.25	9/1/00

Bruce Harper	4825-0001	Instructions	9/12
JIANQCHYNN	5600-0301.51	response to instructions	9/7
Murg. Troyd		letter about poss. ble aband. App	
Voss & P	7636-0020.41	Written Opinion	9/7



Thursday September 14, 2000

Rockey milnamow	Delphi Vent	file history	9/13
PTO	0450-0019.30	ISSUE NOTIF	9/11
Carpmaels & Hans	5325-0157.41	POA. request	9/4
"	5325-016.41	"	"
Voss & P	7410-0003.45	Official Communication	9/6
Voss & P	7357-0009.41	Confirmation Copy	9/5
Voss & P	8255-0020.45	debit note	
Genelabo	4600-0063.20	decision to grant	9/13
Potts, Kerr & Co	0450-0304.45	Confirmation of fax	
Science & Tech	2001-0703.41	Notif of Recording of change	9/2
Uof Ca	2001-0454.30	Receipt letters Patent	9/11
Genencor	4700-0001	Letters Patent	9/11
Genelabs	4600-0062	rec'd letters Patent	9/11

CKS

Quidel

5,302.52

9/12



Friday Sept 15 2000

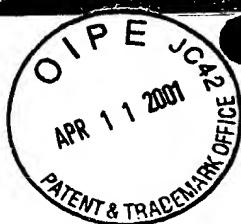
Clarke, Mallet & Co	4600-0201.57	POA	2/30
Generalab tech	4600-0131.41	Confirmation copy	9/14
Jenkins	97201168.8	Instructions	
Gowlings	2145-001.40	Renewal payments	9/8
	2145-001.40	Debit	
Gowlings	5756-6007.40	Confirmation Copy	9/8
MicroHeart	5756-0007-08-10-0	Instructions from Assoc.	9/8
"	5756-0005.41	15756-0001.41	"
PTO	4800-0012.30	Off. Co Action Summary	9/12

CKs

Bayen	125.00	9.11
Pepper Corp	9921.80	9/14

Postcard

9137-0002
5865-0043.30
4099-0002.30
4257-0020.30
9137-0002
9150-0008.10



Monday Sept 18, 2000

1L	FBRice	7900-0108.43	Letters Patent Document	9/18
	Yamamoto	7636-0001.42	Confirmation Copy	9/18
	Wash. Univ	9650-0001.20	receipt acknowledge	9/13
	Newburn Ellis	4600-0093.45	Confirmation	9/12
	Stanford Un.	8600-0200	request to transfer	9/14
	Roylance, Abrams	9456-0001.10 / 2.10 / 3.10 / 4.10	receipt acknowledge	9/13

Checks

Hypo VERCINS Bank	593.00	9/14
"	3,259.32	9/14
AVI Biopharma	11,319.19	9/13
xenogen	1719.49	9/15

PTO	2755-0010	Filing receipt	9/18/00
PCT	2755-0009.41	Not. f g receipt of Search copy	9/17/00
PTO	5865-0043.30	Filing receipt	9/11/00
PTO	8604-0199.30	Form missing parts	9/13
PTO	8604-0119.30	Filing receipt	9/13
PCT	4257-0017.41	Not. f g subm or Transmittal of Doc	8/31
PTO	5877-0001.30	Notice of Recordation of assig Doc	9/13
PCT	0450-0035.41	Not. f g Transmit of Search Report	9/5

Postcards

2103-6001	1326-0001.30	4800-0015.31
2740-0002	8604-0182.33	
2755-0013	2103-6002	
4099-0003.41	2103-6003	
0450-0038	5865-0024.30	
0225-0010.30	4258-0006	



Monday September 18, 2000

Henry Goh	4600-0096.67	Pay renewal fees	9/1
Goh	4600-0106.67	"	9/1
Voss & P	5756-6007.45	Confirmation Copy	9/8
Voss & P	7636-0001.45	Official Communication	9/8
Voss & P	9325-0011.41	extension	9/11
PTO	2001-0701.30	Filing receipt	9/14
PTO	5756-0013	Filing receipt	9/13
Voss & P	4600-0128.41	Confirmation Copy	9/13

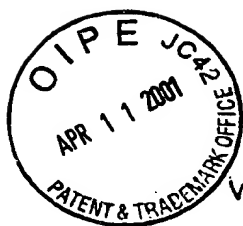


Tuesday September 19 2000

PTO		Letters Patent	9/12
PTD	0450-0302.30	Letters Patent	9/12
PTO	7636-0015.30	Notice Allowability	9/15
PCT	5756-0005.41	Search Report	9/15
PTO	9825-0077.30	Office Action	9/13
PCT	4600-0130.41	Notice of Comm. of Intern. App	9/8
PTU	5525-0033.20	Notice of Allowab. lity	9/12
Ben Israel	9325-0011.30	Instructions	9/10
Fedex AGri.tope		initial Search	9/18
EPO	4600-0130.41	Entry into European Phase	9/15
FB Rice & Co	9325-0008.43	Confirmation Copy /debit	9/1
"	5525-0036.43	Examiners 1 st report /debit	9/1
Voss & P	7357-0010.41	Notif of receipt of Demand	8/28
Voss & P	7636-0012.79	Notif of Pub	9/6
FB Rice & Co	5600-0301.43	request amendment /debit	9/5
Voss & P	8255-0020.45	Answer to Official Comm /debit	9/12
Carpmaels	5640-0002.45D	Enclosures from National Granting /debit	8/22
Postcards	4825-0001		

Checks

County of Santa Clara 632.68 9/11/00

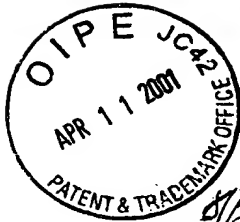


Wed Sept 20, 2000

UDI	0450-0311.31	6 references	9/15
Yamamoto	7636-0014.42	Confirmation copy / deb.t	9/1
AVI	0450-0311.31	Signed papers	9/19
Garrison	New Case		9/19
Skjerven	09/262,213	Copy of Filings	9/19
Stanford U	8600-0200	transfer case	9/14
Genelabs	4600-0130.41	PCT POA	9/18
Voss & P	5600-0301.41	New Documents	9/5

Checks

Dawa, Inc. 75.00 9/19/00



Thursday Sept. 21, 2000

PCT	4257-0018.41	Not. E of Transm. t of S. Bar docl	9/18
PTO	6450-0025.36	Signed copy	9/18
PTO	2740-0001.31	Signed copy	9/14
PTO	2456-0021.20	Office Action Sum	9/13
Genelabs	4611-0001.21	instructions	9/20
"	4600-0076.45	Letter's Patent doc.	
Saliwanchik	5600-0001.35	Copy of letter sent	9/12
Yamamoto	7010-0004.42	issue of id. #	
Lloyd & Wise	7357-0005.61	Confirmation of fax	9/14
Genelabs	4600-0097.20	Signed copies/maint. Fee statement	9/19

Postcards

5865-0036.30
4099-0003.30
4258-0001

CKs

Genetrol 7050.99 9/19



Friday, September 22, 2000

PTO
PTO
PTO
PTO
PTO

Quidel
Quidel
Quidel

Science & Tech Law Group

Gowlings

Gowlings

postcards: 2755-0012; 9158-0006; 0665-0016; 2755-0014

4600-0183.22 ltr pat

5640-0002.37 ltr pat

7636-0008 ltr pat

4600-0216 filing recpt; missing pts

5640-0001.40 annuity instruct

5640-0008.30 annuity instruct

5640-0006.34 discontinue prosecution

01540.014 filing receipt

2145-0001.40

7900-0108.40

Extension granted

official action

8/27/97

9/19

9/19

9/19

9/21

9/20

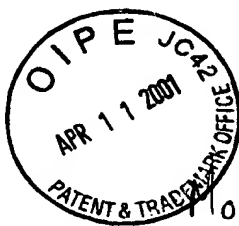
9/20

Invoices

Panda

FedEx

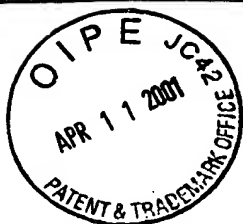
Logan



Monday Sept 25, 2000

Voss & P	8600-0181.30	Signed copies	9/21
"	9325-0007.45	req for renew fee / debit note	9/15
"	7010-0003.45	"	"
Kremblau	0450-8606	cc of letter to Robin Rasor	
"	"	" to Vossius	9/20
PTO	4800-0013.21	Filing receipt / ^{missing parts} formalities letter	9/14
EPO	48		
Diehl	9668-0001.22	returned invoice /	9/14
AUI	0450-0027.41 / 29.41	Instructions	9/21
Voss & P	0450-0025.41	Conf. copy	9/20
Mewburn Ellis	4600-0293.45	exam report	9/19
Bardhele	2325-0006.45	Copy of letter to EPO	9/15
Kemp & Co	0450-0015.45	Declaration	9/8
Kremblau,		Copy of esp office Action	9/19
PCT	4099-0003.41	POA	9/19
PTO	5640-0023.30	Filing receipt / Missing parts	9/26
PTO	9410-0001.10	Issue Notif.	9/21
EPO	4257-0018.41	Entry to European Phase	
CK's			
Cellgate	\$ 3964.46	9/21/00	Agri-nomics LLC \$6,284.25 9/25
Cholestech	\$ 50.00	9/20/00	
Bioasia	\$ 330.00	9/21/00	
Ultraclean	\$ 570.00	9/21/00	
Cytovax	\$ 671.36	9/19/00	
Smart Therapeutics	\$ 1544.00	9/18/00	

PCT	5250-0002.41	Notif of receipt / international Pre Exam	9/20/00
PTO	5420-0001.10	Notice Regarding POA	9/21/00
PTO	5325-0146.31	to Issue Notif	9/22/00
PTO	0665-0003.30	Issue Notif	9/22/00
PTO	4257-0017	Issue Notif	9/22/00
PCT	4099-0002.41	Not. of receipt of Revised Copy	9/18



Monday Sept 25 2000

PCT	4257-0018.41	Communication to Desig. off. us	9/14
PTO	4600-0128	Office Action Sum.	9/20
PTO	9325-0008.30	Office Action Sum.	
PTO	8600-0182.33	"	9/20
Coleman, Sudol	2475-0001.41 / 1.63 / 2	transfer of cases	9/21
GOH	5865-0014.67	Not. f of Renewal	9/18
PTO	2755-0009.30	Filing Receipt / missing parts	9/14
PTO	2456-0022.20	Filing Receipt	9/11
FBRice & Co	7010-0004.43	req for instruct.	9/12
Lloyd Wise	4600-0076.79D	Confirmation Fax	9/19
PTO	2977-0007.30	Abandonment / Term Letter	9/17
PTO	5700-0005	Notice regard POA	9/19
PTO	5700-0001	"	9/22
Rice & Co	9325-0008.43	Filing Receipt	9/14
Genelabs	4600-0293.30	reference	9/21
Carpmaels	5325-0128.45	Confirmation Copy	9/15
Rice & Co	7636-0012.50	Confirmation Copy	9/14
Gowlings	3000-6002.40	Filing receipt	9/19
PTO	0450-0311.3.1	Signed Copies	9/5/00
Rice & Co	9325-0007.43	Notice of Entitlement / debit	9/12
Voss & P	7357-0009.41	Notice of Filing for POA	9/19

Postcards

4257-0010.20

0550-0084

4099-0004

4600-0134.41

5756-6004

2145-0001.10



Jue Sept 26, 2000

PCT	4257-0023.41	Not. f. g receipt of Record Copy	9/20
PCT	8604-0199.41	"	9/12
PCT	0450-0029.41	Not. f. g Transm. H. g Priority Doc	9/12
Vessel		Confirmation Copy	9/21
PTO	7357-6001	Amended Identification	
Rice & Co	5525-0033.43	Examiner's 1 st Report	
Chang & Assoc.	5600-0001.52	File Copy / Amendment & Argument	9/18
dx Saliwanchik	5600-0001.35	Signed Copies	9/18

Post Cards

5756-0005.30

Lx Alza Corp. 5325-0162.41 (2) Signed Copies 9/25



Wed Sept 27, 2000

PTO	5640-0002.37	Letters Patent	9/19
PTO	7636-0010.22	Notice of Allow/ISS Fee Trans/Inter/Sum	9/19
PTO	7357-0009.31	Office Action Sum	9/22
PCT	4257-0023.41	Notice to Furnish Sequence Listing	9/12/00

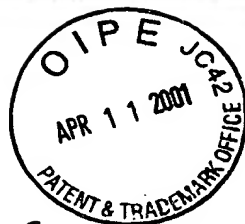
Post Cards

4099-0002.30

Lloyd Wise	4600-0183.61	Confirmation fax	9/20/00
Chinese Univ Hong Kong	2270-8000	Transfer cases	9/20/00
GoH	5865-0014.67	Closure of file	9/22/00
Varian	9350-0006	Office Action	9/21/00

Checks

Helix BioPharma	8368.69	9/21
Helix BioPharma	7339.83	9/21
Stanford	5373.64	9/22
Santen Incorp	5980.00	9/21
Microheart	23,544.62	9/25
Intermune	9,528.48	9/20
Marvell	11,012.00	9/25



Thur Sept 28, 2000

PCT	5250-0001.41	Notif of receipt /prelim Exam	9/28
SRI international	8255-003.30	Signed docs	9/28
PTO	1326-001.30	Filing receipt	9/22
PTO	9410-0007.10	Notice Regarding POA	9/21
PTO	9410-0007.10	"	9/21
Voss & P	7357-0009.49	Copy of Information conc. Elec. offices	9/3
Gowlingo	9325-0008.40	Copy of Doc to PTO	9/25
Voss & P	7357-0009.49	POA / debit	9/21
Applied Biosystems	0550-0083	POA	

CKs		
Renegen LLC	4887.50	9/25
Pharmagenis	765.68	9/26



Friday September 29, 2000

cd Ex	D. Salinanchik	5600-0001.35	Declaration	9/28
dex	Thompson & Thompson	4099-0002.31	refs	9/28
cd y.	Jendreon	—	letter	9/28
	PTO	8600-090.30	Issue Notif	9/26
	BioAsia	1475-6001/02	Transferred	9/22
	PTO	—	Notice of Record/Assign Doc	9/20
	PCT	5756-0004.41	Search Report/References	9/15
	UDI	—	References	9/29
	Goodrich & Rosati	—	letter/request for copy	9/22
	Alga	5325-0157.41	FOA	9/28
	Quanam	7357-005.66	Direction to Reg. Exam	9/15
	Rice Co	9325-0008.43	that reminder to file reply to Off. letter	9/22
	Carpmaels	5640-0015.45	Suspension	9/25
	PTO	7357-6002		
	Carpmaels			

CKS

Mago Foundation 7500 9/21
Advanced Bx Pass Tehn 2793.68 9/19

Postcards

8604-099.30

7357-0009.30

4600-0139

9325-0007.10

1475-6001

7070-0012.30

1475-6002

5325-0122.20



Monday ~~Sept~~ October 2, 2000

Voss & P	5756-6007.45	official Filing receipt	9/22
"	7636-0014.41	official Comm.	9/26
"	6025-0001.45	Abandoned	9/21
Kremblau	_____	ccg/letter to OHIO State	9/27
Yamamoto	7636-0015.42	Identif # Japan	9/25
Rico & Co	9292-0001.43	Reminder of Due Date / resp of Exam rep	9/19
Lee & Li	4600-0131.51	Chinese Specifications	9/14
Yamamoto	5640-0020.42	Sequence Listing / debt	9/28
dy Genetech Intell	Canadian Patent #2,069,870	Letter	9/25
PTO	7900-0011.31	Issue Notif	9/26
PTO	5281-0003	Office Action Summary Communication	9/26
PCT	4099-0003.41	Notif Concern Payment of Prescrib fee	9/25
PTO	8600-0173.31	Missing Parts	9/26
PCT	5112-0002.41	Record copy	9/21
EPO	00106987	Entry into E.P.	9/29
PCT	2456-0017.41	Notif. Payment of Prescrib. fee	9/27
PTO	0665-0013.31	Office Action Summ	9/28
PCT	0550-0077.41	Search Report / declaration	9/25
PCT	0450-0035.41	Correction pg for Search Report	9/25
PTO	4600-0293.30	Notice of Allowability / Issue fee trans	9/27
PTO	8600-0195.30	Office Action Sum	9/29

Checks

Oxxel	50.00	9/18	
Del Ca, SD.	126.80	9/26	
Marwell	11,012.00	9/29	
Gryphon Science	3,346.00	9/29	
Applied Bioscience	1429.34	9/26	
Dandreon	23,000.00	9/27	
			Creagri, Inc. 4,114.00 9/29

PCT 4600-0131.41 Notice inform. Comm of International office 9/21